## IN THE UNITED STATES DISTRICT COURT **EASTERN DISTRICT OF TENNESSEE** AT KNOXVILLE

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
v.	)	No. 3:06-CR-73 (PHILLIPS/SHIRLEY)
LAWANNA BROCK, and RONALD BROCK,	)	( <u></u>
Defendants.	) ) )	
	ORDER	

On January 9, 2007, the Honorable C. Clifford Shirley, United States Magistrate Judge, filed a 34-page Report and Recommendation (R&R) [Doc.63] in which he recommended that defendants' motion to suppress evidence [Doc. 40] be denied. This matter is presently before the Court on defendants' timely objections to the R&R [See Doc. 65].

As required by 28 U.S.C. § 636(b)(1), the Court has now undertaken a de novo review of those portions of the R&R to which the defendants object. After doing so, the Court readily concludes that Magistrate Judge Shirley has thoroughly and correctly analyzed the legal issues presented in defendants' motion to suppress. Thus, any further comment by the Court is unnecessary and would be repetitive.

In sum, the Court finds that based on the totality of the circumstances, the Brocks'

consent to search, with regard to each office review, was voluntary and, therefore, was not

simply an "acquiesce to a claim of lawful authority." The Brocks were not under any duress

or coercion. Further, as to the "warrantless inspection" in this matter, the Court holds that

the government has a substantial interest in regulating the industry, the warrantless

inspections are necessary to further the regulatory scheme, and the statute's inspection

requirement provides a constitutionally adequate substitution for a search warrant.

Accordingly, defendants' objections [Doc. 65] are hereby **OVERRULED** in their

entirety, whereby the R&R is ACCEPTED IN WHOLE. Thus, defendants' motion to

suppress evidence [Doc.40] is hereby **DENIED**.

**ENTER:** 

s/Thomas W. Phillips

UNITED STATES DISTRICT JUDGE

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